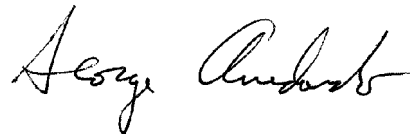


**For:** State and County Offices, Except PR

**AMS Clarification of Voting Procedure for the Pork Referendum**

**Approved by:** Associate Administrator for Operations and Management



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**1 Overview**

**A  
Background**

On October 19, 2000, AMS published in FR an interim final rule revising 7 CFR Part 1230, Pork Promotion, Research, and Consumer Information Program; Final Rule. This interim final rule establishes an additional 5-day period for challenging producers who requested absentee ballots and deleted the requirement that their return name and address be on LS-73-1, Pork Referendum envelope.

**B  
Purpose**

This notice describes changes made by AMS in certain absentee ballot procedures in Notice AO-1217.

**C  
Major Changes**

The major changes in Notice AO-1217 were:

- absentee voters are subject to challenge even though they may not have returned their ballot
- absentee voters are not required to list a name and address in the return address corner of LS 73-1, Pork Referendum envelope.

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**Disposal Date**

January 1, 2002

**Distribution**

State Offices, except PR; State Offices relay to  
County Offices

## Notice AO-1235

### 2 County Office Action

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#### A

##### Basic Policy

County Offices shall follow the procedure in Notice AO-1217 **except** for the specific changes in this notice.

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#### B

##### Revised Timeframe

Exhibit 1 has been revised to reflect the new timeframe. **Do not** use Notice AO-1217, Exhibit 6.

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#### C

##### Challenges

The initial challenge period ended October 2, 2000. Absentee voters that had requested a ballot and returned the ballot with the proper return name and address were noted on LS-74. These voters were subject to challenge during this period.

If the voter did not return their ballot or the name and address did not match the name and address on LS-74, LS-74 did not indicate that the ballot was returned and the voter was not subject to challenge. In addition, some County Offices did not properly complete LS-74 and the voters that could be challenged could not be readily determined. In these cases, absentee voters listed on LS-74 without indication that the ballot was received, are subject to challenge during this new challenge period from October 23, 2000, to October 27, 2000.

No absentee voter can be subject to more than 1 challenge period.

**Note:** Any person may request copies of LS-74's at the County Office. Requests must be made in person during the period from October 23, 2000, through October 27, 2000. County Offices shall not relinquish custody of the original lists. Maintain a separate list of all producers requesting a copy of LS-74 during this period.

For challenges, follow Notice AO-1217, subparagraph 4 B, **except** eligibility to vote may be challenged even though the ballot may not have been returned. Producers challenged during this period shall be notified according to Notice AO-1217, subparagraph 4 C and Exhibit 1, no later than October 31, 2000.

**Note:** Modify the letter in Exhibit 1 to show “no later than November 7, 2000” for receiving documentation from the challenged voter and COC will make a final determination “no later than November 9, 2000”. If Notice AO-1217, Exhibit 2, is used, modify the letter to show “no later than November 17, 2000”.

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## Notice AO-1235

### 2 County Office Action (Continued)

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#### D

##### Appeals

Appeals of the COC determination of eligibility for the challenges made during the period of October 23, 2000, through October 27, 2000, must be:

- filed by November 17, 2000
  - FAXed by COC to Administrator, AMS, by November 20, 2000.
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#### E

##### AMS Date of Resolved Appeal

Administrator, AMS, shall notify the County Office of decision of the resolved appeal by November 28, 2000.

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#### F

##### Absentee Voting Eligibility Changes

According to AMS and the procedure in Notice AO-1217, absentee producers voting absentee were required to record their name and address on the outside of LS-73-1. The reason was so that County Offices could know when the ballot was returned, who voted, and could verify the ballot to the name on LS-74.

It was never the intent of AMS that ballots without a name or the correct name on LS-73-1 would cause a producer's vote to be declared invalid. Accordingly, ballots will be valid and counted even though the producer did not record the name or the correct name on LS-73-1 if all other eligibility conditions are met.

Following are 2 examples.

- Three absentee ballots were requested; 1 for Smith Farms, 1 for Bill Smith, and 1 for Sally Smith. Three ballots were returned; however, all three LS-73-1's showed Smith Farms as the return address. If all other eligibility conditions are met, all 3 ballots will be counted.
- Two absentee ballots were requested; 1 for Sam Smith and 1 for Sally Smith. Ballots were returned; however, no return address was shown. The County Office does not know who the returned ballots belong to. If all other eligibility conditions are met, both ballots will be counted.

**Note:** For both cases, the procedure for counting ballots has been revised according to subparagraph G, step 4, to reflect counting the ballots.

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## 2 County Office Action (Continued)

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**G**

**Revised  
Procedure for  
Counting Ballots**

CED or designee shall supervise the counting of LS-72's and LS-73's which shall be completed by at least two FSA employees as follows.

Step	Procedure
1	Open ballot box and remove all contents.
2	Sort ballots into 2 stacks, LS-72-2's, In-Person Registration and Certification, and LS-73-1's, Absentee Voting.
3	<p>Compare each LS-72-2 to LS-75, In-Person Voter Registration List. Check for complete and accurate information. If any of the following conditions apply, set LS-72-2 aside:</p> <ul style="list-style-type: none"> <li>the name and address of the voter (the "individual," "legal entity," or "group of individuals with a joint ownership") written on the in-person registration form does not appear on LS-75</li> <li>LS-72-2 is missing data.</li> </ul> <p>For ballots meeting these conditions, mark each LS-72-2 "INVALID" boldly in red. Do not open these LS-72-2's.</p> <p>For ballots mutilated or marked in such a way that any required information on the form is illegible, the ballot is considered spoiled and not eligible. Mark each LS-72-2 "SPOILED" boldly in red and set aside.</p> <p>Remove LS-72-2 for any of the challenged voters determined to be ineligible to vote. Mark these LS-72-2's boldly in red "CHALLENGED-INELIGIBLE" and set aside.</p> <p>Open the remaining LS-72-2's and separate LS-72-2 from their enclosed LS-72-1 for further processing.</p> <p>Put empty LS-72-2's in a stack for retention purposes.</p>

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Continued on the next page

2 County Office Action (Continued)

G  
Revised  
Procedure for  
Counting Ballots  
(Continued)

Step	Procedure
4	<p>Open each LS-73-1, Pork Referendum envelope, and compare LS-74, Absentee Voter Request List form, to the absentee Registration and Certification Statement form enclosed in LS-73-1. Check for complete and accurate information. If any of the following conditions apply, staple LS-73-1 to any other enclosed documents and set aside:</p> <ul style="list-style-type: none"> <li>the name and address of the voter (the “individual,” “legal entity,” or “group of individuals with a joint ownership” ) written on the absentee Registration and Certification Statement form does not appear on the Absentee Voter Request List form</li> <li>the Registration and Certification Statement is missing data</li> <li>the absentee Pork Referendum envelope contains more than 1 registration form</li> <li>the absentee voter fails to separate the absentee Registration and Certification Statement form from the absentee ballot</li> <li>the absentee voter does not enclose the Registration and Certification Statement form in LS-73-1</li> <li>returned by mail but not postmarked by September 21, 2000</li> <li>returned by mail and postmarked by September 21, but not received by COB September 28, 2000</li> <li>the LS-73-1 envelope contains more than one LS-72-1, Pork Ballot envelope</li> </ul> <p><b>Note:</b> It is not required that LS-73-1 have a return address in the space provided on the envelope nor is it required to have a name matching the name stated on the Registration and Certification Statement enclosed.</p> <p>For ballots meeting these conditions, mark each LS-73-1 “INVALID” boldly in red. Do not open these LS-72-1's enclosed in LS-73-1. Staple the absentee Registration and Certification Statement and LS-72-1 to LS-73-1 and set aside.</p> <p>If the absentee Registration and Certification Statement enclosed in LS-73-1 is mutilated or marked in such a way that any required information on the form is illegible, the ballot is considered spoiled and not eligible. Mark each “SPOILED” LS-73-1 boldly in red, staple LS-73-1 and all enclosed documents together, and set aside.</p> <p>Remove LS-73-1 for any of the challenged voters determined to be ineligible to vote. Staple the enclosed LS-72-1 and enclosed Registration and Certification Statement to LS-73-1. Mark LS-73-1 boldly in red “CHALLENGED-INELIGIBLE” and set aside.</p> <p>Separate the remaining LS-73-1's and their respective Registration and Certification Statements from their enclosed LS-72-1. Place LS-72-1's in a separate stack for further processing.</p> <p>Put empty LS-73-1 in a stack for retention purposes.</p>

## Notice AO-1235

### 2 County Office Action (Continued)

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#### G Revised Procedure for Counting Ballots (Continued)

Step	Procedure
5	<p>Process the in-person LS-72-1 and absentee LS-72-1 as follows:</p> <ul style="list-style-type: none"><li>• mix together the in-person LS-72-1 and the absentee LS-72-1</li><li>• remove LS-72 and LS-73 from all LS-72-1's. If any LS-72 or LS-73 is mutilated or marked in such a way that any required information on the form is illegible or it is not possible to determine a "yes" or "no" vote:<ul style="list-style-type: none"><li>• the ballot is considered spoiled and not eligible</li><li>• set the ballot aside and mark boldly in red "SPOILED"</li></ul></li><li>• when opening any LS-72-1's, if the Registration and Certification Statement, more than 1 ballot, or any other documents are enclosed, the ballot is considered invalid<ul style="list-style-type: none"><li>• staple all these documents together</li><li>• mark LS-72-1 boldly in red "INVALID" and set aside</li></ul></li><li>• place the remaining LS-72's and LS-73's in a stack to be counted.</li></ul>
6	Count the eligible ballots.

### 3 State and County Action

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#### A Reporting

Follow Notice AO-1217 for:

- County Office Referendum Report (Exhibit 4)
  - State Office Pork Referendum Report (Exhibit 5).
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#### B Safekeeping of Records

County Offices shall retain all referendum materials in a sealed container in the custody of CED until December 10, 2001. If no notice to the contrary is received from EDSO by that date, the records will be destroyed.

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**Referendum on Pork Promotion, Research, and Consumer Information Order**

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<b>Event</b>	<b>Dates</b>
Representative period of eligibility.	August 18, 1999 through August 17, 2000
Published Final Rule.	July 13, 2000
First day producers can request absentee ballots.	August 1, 2000
First day absentee ballot may be distributed by the County Office.	August 18, 2000
Last day for distributing absentee ballots.	September 18, 2000
In-Person voting in the County Office.	September 19 through September 21, 2000
Last day to hand deliver absentee ballots to the County FSA Office or get them postmarked if mailed.	September 21, 2000
Last day for absentee ballots mailed by September 21, 2000, to be received in the County Office.	September 28, 2000
<ul style="list-style-type: none"> <li>Period for challenging in-person and absentee voters.</li> <li>Period County Office must update daily and post producer lists (LS-74 and LS-75).</li> </ul>	October 23 through October 27, 2000
Last day to notify challenged voters.	October 31, 2000
Last day for challenged voters to provide documentation of eligibility.	November 7, 2000
Last day for COC to make a determination of eligibility and notify voters.	November 9, 2000
Last day for voters to appeal COC determination of eligibility.	November 17, 2000
Last day for COC to FAX appeals to the Administrator, AMS.	November 20, 2000
<ul style="list-style-type: none"> <li>Last day for Administrator, AMS, to resolve appeals and notify County Offices.</li> <li>Last day for County Offices to notify producers.</li> </ul>	November 28, 2000
Count ballots in the County Office.	November 29, 2000
County Office submits results to State Offices.	December 1, 2000
State Office submits results to ORAS, Washington	December 8, 2000

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